APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
* * *	*	*	*	*		*
NEW JERSEY						
* * *	*	*	*	*		*
New Jersey Intracoastal Waterway. (Beach Thorofare)	68.9	Atlantic City	AMTRAK	WXZ 528.	13	13
* * *	*	*	*	*		*

Dated: February 3, 1995.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Commander Fifth Coast Guard District.

[FR Doc. 95–5386 Filed 3–3–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 95–3–6638b; FRL–5160–1]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) that concern the control of volatile organic compound (VOC) emissions from in-situ combustion well vents. The intended effect of proposing approval of this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Rules section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 5, 1995.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, California 93721.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1200.

SUPPLEMENTARY INFORMATION: This document concerns San Joaquin Valley Unified Air Pollution Control District Rule 4407, In-Situ Combustion Well Vents, submitted to EPA on July 13, 1994 by the California Air Resources Board. For further information, please see the information provided in the direct final action which is located in the Rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 8, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95–5343 Filed 3–3–95; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 52

[IL99–01–6621, IN46–01–6622, MI33–01–6626, WI47–01–6627; FRL–5165–1]

Approval of a Section 182(f) Exemption; Illinois, Indiana, Michigan, and Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On July 13, 1994, the States of Illinois, Indiana, Michigan, and Wisconsin (the States) submitted to the EPA a petition (the petition) for an exemption from the requirements of section 182(f) of the Clean Air Act (Act). The States, acting through the Lake Michigan Air Directors Consortium (LADCo), are petitioning for an exemption from the Reasonably Available Control Technology (RACT) and New Source Review (NSR) requirements for major stationary sources of oxides of nitrogen (NO_x). In the Lake Michigan Ozone Study (LMOS) modeling domain, the RACT requirements apply to major stationary sources of NO_x located in areas currently classified as moderate and above nonattainment for ozone. The NSR requirements apply to major stationary sources of NO_x located in areas currently classified as marginal and above nonattainment for ozone. The petition also seeks an exemption from the transportation and general conformity requirements for NO_x in all ozone nonattainment areas in the modeling domain. Although the petition does not specifically request an exemption from the Inspection/Maintenance (I/M) program requirements, the approval of the petition will impact the I/M NO_x

requirements for ozone nonattainment areas in the modeling domain. In this rulemaking, EPA is proposing to approve the petition based upon its demonstration that additional NO_x reductions would not contribute to attainment of the National ambient air quality standard (NAAQS) for ozone in any nonattainment area within the LMOS modeling domain. The EPA is reserving the right, however, to reverse this approval if subsequent modeling, such as may be available through the final attainment demonstration, or any other subsequent modeling data demonstrate an ozone attainment benefit from NO_x emission controls.

DATES: Comments on the petition and on the proposed EPA action must be received by April 5, 1995.

ADDRESSES: Written comments shall be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the petition are available for inspection at the following address: (It is recommended that you telephone Daniel Meyer at (312) 886–9401, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Daniel Meyer, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. (312) 886–9401.

SUPPLEMENTARY INFORMATION:

I. Background

Part D of the Act establishes the State Implementation Plan (SIP) requirements for nonattainment areas. Subpart 2, part D of the Act establishes additional provisions for ozone nonattainment areas. At section 182(b)(2) of this subpart, the Act requires the application of RACT regulations for major stationary volatile organic compound (VOC) sources located in moderate and above ozone nonattainment areas as well as in ozone transport regions. States are required to submit RACT regulations by November 15, 1992 and sources are required to achieve compliance with these RACT regulations by May 31, 1995. At section 182(a)(2)(C), the Act requires the application of NSR regulations for major new or modified VOC sources located in marginal and above ozone nonattainment areas as well as in ozone transport regions. States are required to adopt revised NSR regulations by November 15, 1992. At section 182(f), the Act requires States to apply the same requirements to major stationary sources of NO_x as are applied to major stationary sources of VOC. Therefore, the RACT and NSR requirements also apply to major stationary sources of NO_x.

The EPA ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 55628), November 25, 1992 (NO_x Supplement), discusses in detail the section 182(f) requirements. For sources outside of an ozone transport region, these requirements do not apply to NO_x sources if: (1) The EPA determines that net air quality benefits are greater in the absence of NO_x emissions reductions; or (2) the EPA determines that additional reductions of NO_x emissions would not contribute to attainment of the NAAQS for ozone in the area. Where any one of the tests is met (even if the other test is failed), the NO_x RACT and NSR requirements of section 182(f) would not apply.

In addition to determining the applicability of NO_x reductions under RACT and NSR, the section 182(f) exemption process may also determine the applicability of NO_x reductions under the Act's conformity requirements, which assure conformity with approved SIPs. The general and transportation conformity requirements are found at section 176(c) of the Act. The conformity requirements apply on an areawide basis in all nonattainment areas, including the nonclassifiable ozone nonattainment areas. The EPA's transportation conformity final rule [1] and general conformity final rule [2] reference the section 182(f) exemption process as a means for exempting an affected area from NO_x conformity requirements. The approval of an areawide section 182(f) petition will exempt marginal and above ozone nonattainment areas from the NO_x conformity requirements of the Act. See the May 27, 1994, memorandum entitled, ''Section 182(f) Nitrogen Oxides (NO_x) Exemptions—Revised Process and Criteria,'' from John Seitz, Director of the Office of Air Quality Planning and Standards.

Under the I/M program final rule (57 FR 52950), November 5, 1992, the section 182(f) petition is also referenced to determine applicability of NO_x reductions. The I/M program requirement for moderate ozone nonattainment areas is found at section 182(b)(4), and the I/M program requirement for serious and above ozone nonattainment areas is found at section 182(c)(3). Basic I/M testing programs must be designed such that no increase in NO_x occurs as a result of the program. If a petition is granted to an area required to implement a basic I/M program, the basic I/M NO_x requirement may be omitted. Enhanced I/M testing programs must be designed to reduce NO_x emissions consistent with the enhanced I/M performance standard. If a petition is granted to an area required to implement an enhanced I/M program, the NO_x emission reductions are not required, but the program must be designed to offset NO_x emission increases resulting from the repair of vehicles due to hydrocarbon and carbon monoxide failures.

The EPA believes that all approvable petitions should be approved only on a contingent basis. As described in the NO_x Supplement, the EPA would rescind a NO_x petition in cases where NO_x reductions were later found to be beneficial in the area's attainment demonstration. Therefore, a modeling-based exemption would last only as long as the area's modeling continued to demonstrate attainment without the additional NO_x reductions required by section 182(f). The EPA would also rescind the exemption if other data, including new photochemical grid modeling, demonstrates an ozone attainment benefit from NO_x emission controls. If EPA later determines that NO_x reductions are beneficial in an area initially exempted, the area would be removed from exempt status and would be required to adopt the NO_x RACT and NSR rules, except to the extent that the new modeling shows NO_x reductions to be ''excess reductions.'' In addition, the area would no longer be exempt from the NO_x reduction requirements under the Act's I/M and conformity programs. In the rulemaking action rescinding the exempt status, the EPA would specify a schedule for a State to adopt the NO_x RACT and NSR rules and for sources to comply with the NO_x RACT emission limits. In addition, the rulemaking action would also describe how a State must comply with the I/M and conformity program requirements. For conformity, the effect of a recision is that subsequent Federal actions will

[1] ''Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved under Title 23 U.S.C. or the Federal Transit Act'' November 24, 1993 (58 FR 62188).

[2] ''Determining Conformity of General Federal Actions to State or Federal Implementation Plans; Final Rule'' November 30, 1993 (58 FR 63214).

have to demonstrate that they conform, although projects that had begun because of the exemption would be allowed to go forward. See ''Conformity; General Preamble for Exemption from Nitrogen Oxides Provisions,'' 59 FR 31238 (June 17, 1994).

If EPA grants a petition for an exemption from the section 182(f) NO_x requirements, a State may impose NO_x restrictions for other reasons. If, however, the EPA grants the petition based upon a finding that NO_x reductions are counterproductive, the State must justify how the SIP continues to be adequate for achieving ozone attainment given its NO_x reductions. Although a section 182(f) petition may determine the applicability of SIP requirements pertaining to NO_x emission reductions and controls, the petition is not a SIP, nor is it a revision to a SIP. Therefore, a petition is not required to undergo a public hearing, nor must a petition be submitted by a Governor of a State or his designee. See ''Conformity; General Preamble for Exemption from Nitrogen Oxides Provisions,'' 59 FR 31238 (June 17, 1994).

II. Summary of Submittal

The LMOS is a regional modeling project that was initiated by the States of Illinois, Indiana, Michigan, and Wisconsin, with assistance from the EPA, to deal with the ozone problem in the Lake Michigan air basin as a whole. A major goal of the study is to develop a comprehensive modeling system that the four States would use to support a regional control strategy that would be implemented through revisions to their ozone attainment SIPs. The Lake Michigan air basin, which constitutes the LMOS modeling domain, contains a number of generally contiguous nonattainment areas including several major urban nonattainment areas, including Chicago, Milwaukee, and Grand Rapids, and many smaller, less-dense nonattainment areas generally downwind of the large urban centers. The entire domain is affected by ozone concentrations that are transported into the area. These ozone concentrations are estimated to be as high as 80–100 parts per billion (ppb). Additionally, within the domain itself, ozone precursor emissions generated in the urban centers upwind travel downwind, resulting in significant downwind ozone levels. It is because of these meteorological characteristics that the ozone problem in the Lake Michigan area is considered to be a very broad regional phenomenon requiring a regional solution. Consequently, the preliminary control strategy simulations pursued in the ozone study consisted of an approach that assumed across-the-board reductions in VOC and NO_x emissions throughout the region as a whole in order to provide information on the most effective control path to pursue toward attainment.

The petition, which is part of a July 13, 1994 submittal from LADCo to the EPA, seeks to exempt major stationary sources of NO_x within ozone nonattainment areas classified as marginal and above in the LMOS modeling domain from the RACT requirements of section 182(b)(2) and the NSR requirements under section 182(a)(2)(C). The petition for an exemption from NO_x RACT and NSR applies to the following counties: (1) Within Illinois, the Counties of Cook, DuPage, Grundy (Aux Sable and Gooselake Townships), Kane, Kendall (Oswego Township), Lake, McHenry, and Will; (2) within Indiana, the Counties of Elkhart, Lake, Porter, and St. Joseph; (3) within Michigan, the Counties of Kent, Muskegon, and Ottawa; and (4) within Wisconsin, the Counties of Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha.

Pursuant to 40 CFR part 93, subpart A; 40 CFR part 51, subpart T; 40 CFR part 93, subpart B; and 40 CFR part 51, subpart W, the petition seeks an exemption from the transportation and general conformity requirements for NO_x in all ozone nonattainment areas within the LMOS modeling domain. The areas include the above Counties as well as the following Michigan Counties: Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Genesee, Hillside, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, Midland, Montcalm, St. Joseph, Saginaw, Shiawasse, and Van Buren.

Pursuant to 40 CFR part 51, subpart S, an approved petition allows for an exemption from the NO_x requirements of the basic I/M requirements for moderate ozone nonattainment areas. These Counties include: (1) Within Indiana, the Counties of Elkhart, and St. Joseph; (2) within Michigan, the Counties of Kent, Muskegon, and Ottawa; and (3) within Wisconsin, the Counties of Door, Kewaunee, Manitowoc, Sheboygan, Walworth, Washington, and Waukesha. Also pursuant to subpart S, an approved petition allows for an exemption from the NO_x requirements of the enhanced I/M requirements for serious and above ozone nonattainment areas. These Counties include: (1) Within Illinois, the Counties of Cook, DuPage, Grundy (Aux Sable and Gooselake Townships), Kane, Kendall (Oswego Township), Lake, McHenry, and Will; (2) within Indiana, the Counties of Lake and Porter; and (3) within Wisconsin, the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha.

The December 1993 Office of Air Quality Planning and Standards guidance document, ''Guideline for Determining the Applicability of Nitrogen Oxide Requirements under Section 182(f),'' (Guideline), recommends the use of photochemical grid modeling for testing the contribution of NO_x emission reductions to attainment of the ozone standard. This approach simulates conditions over the modeling domain that may be expected at the attainment deadline for three emission reduction scenarios: (1) Substantial VOC reductions; (2) substantial NO_x reductions; and (3) both VOC and NO_x reductions. If the areawide predicted maximum one-hour ozone concentration for each day modeled under scenario (1) is less than or equal to those from scenarios (2) and (3) for the corresponding days, the section 182(f) NO_x emissions reduction requirements may not apply.

As noted above, section 182(f)(1) of the Act provides that the new NO_x requirements of subpart 2 of part D of the Act shall not apply for the ozone nonattainment areas within the LMOS modeling domain if, among other tests, EPA determines that additional NO_x emission reductions would not contribute to attainment of the ozone standard in the ozone nonattainment areas covered by the petition. The States' have utilized the Urban Airshed Model (UAM-V), a photochemical grid model approved by EPA for LADCo's section 182(f) and attainment demonstrations, to demonstrate that NO_x emission reductions would not contribute to attainment. To conduct the modeling analysis, LADCo followed these steps: (a) Emissions were projected to the year 1996 (the attainment deadline for the moderate nonattainment areas) and to the year 2007 (the attainment deadline for the severe nonattainment areas) from the 1990 base year; (b) a 40 percent VOC emission reduction beyond that achieved as a result of emission controls mandated by the Act was assumed to be necessary to attain the ozone standard in the LMOS modeling domain; (c) a 40 percent NO_x emission reduction beyond the projected emission levels was assumed for all anthropogenic NO_x emissions; (d) a 40 percent VOC emission reduction and a 40 percent NO_x reduction beyond projected emission levels were assumed for all anthropogenic VOC and NO_x emissions;

and (e) the ozone modeling results for (b), (c), and (d) were compared considering the domain-wide peak ozone concentrations and temporal and spatial extent of ozone concentrations above 120 ppb. In addition, ozone impacts resulting from increasing new source growth NO_x emissions were analyzed.

For all modeled days using 1996 and 2007 conditions, domain-wide peak ozone concentrations for ''VOC-only'' controls were found to be lower than or equal to those for ''NO_x-only'' controls or those for ''VOC plus NO_x'' controls. The ''VOC-only'' control scenario leads to the smallest areas with predicted peak ozone concentrations exceeding 120 ppb. In addition, the NO^{T2x} point source growth is not expected to exacerbate the nonattainement problem.

III. Analysis of Submittal

As stated earlier in this document, for purposes of their NO_x exemption submission, the LMOS States elected to rely on the statutory test provided in section 182(f)(1)(A), which requires a demonstration that NO_x reductions would not contribute to attainment of the ozone NAAQS ''in the area''. Under the EPA Guideline, this would ordinarily mean that the demonstration should show that in a single nonattainment area NO_x emissions reductions from sources in the same nonattainment area would not contribute to attainment. However, the EPA Guideline goes on to encourage petitioners relying on modeling under the contribute to attainment test to include consideration of the entire modeling domain for two key reasons. First, because the test focuses on the effects of NO_x reductions on attainment, to fully realize those effects, the attainment control strategy often needs to extend beyond the geographic bounds of the designated nonattainment area. This is especially warranted for the nonattainment areas in the Lake Michigan air basin given the meteorological indications noted previously. Second, when photochemical grid modeling is utilized for this demonstration, it is generally advisable, as a technical matter, to use a modeling domain larger than the designated nonattainment area in order to consider multi-day episodes, to establish realistic boundary conditions, and to accommodate the geometry of the model grid cells. Again, as noted previously, the location of the nonattainment areas and the meteorology characteristic of the Lake Michigan area made it reasonable for the LMOS study to analyze domain-wide precursor effects rather than attempting to identify such effects in each individual nonattainment area. Because of this, the modeling protocol lacks the type of precision that would make it capable, for example, of analyzing particularized, individual local area effects. However, a region-wide modeling assessment may—and, in the case of the LMOS modeling, clearly did—include consideration of general, directional effects in specific areas.

Review of the modeling results by EPA show a very definite directional signal that general, across-the-board NO_x emission reduction controls in the ozone nonattainment areas throughout the LMOS modeling domain would not contribute to attainment, but, in fact, would exacerbate peak ozone concentrations. Specifically, the LMOS modeling runs demonstrate that reductions in NO_x emissions result in increases in the domain-wide peak ozone concentrations, in the areal coverage of hours greater than 120 ppb (the current ozone standard), and in the number of hours greater than 120 ppb. Nitrogen oxide reductions also increased hourly ozone concentrations within and immediately downwind of the major urban areas of Chicago, Milwaukee, Gary, and Grand Rapids. Additional model sensitivity tests involving alternative VOC:NO_x emissions ratios and alternative photolysis rates produced similar results. In addition, independent analyses of the LMOS field data also conclude that NO_x controls would increase ozone concentrations in and downwind of Chicago. In light of all this evidence in support of the conclusion that application of NO_x controls in the nonattainment areas throughout the LMOS domain would be counterproductive, EPA believes the LADCo States have made an acceptable case for approval of their NO_x exemption petition.

However, data provided to the EPA to date by LADCo indicate that some adjustments in the modeling results may be expected when certain aspects of the modeling are subject to more detailed inputs. Specifically, the LMOS analysis projected emissions for conditions expected in the attainment years of 1996 (for Moderate areas) and 2007 (for Severe areas with a design value between 0.190 and 0.280 ppm). However, the analysis did not rely on source category-specific emission projection factors, but instead used simple, region-wide adjustment factors for point, area, and mobile (motor vehicular) sources to account for both known controls (i.e., 15 percent reasonable further progress and other mandatory Clean Air Act Amendment controls) and for growth. Therefore, some changes in the modeling results are to be expected if area-specific and source category-specific emission projection factors are used. And, in fact, these more detailed projection factors will be used in the final demonstration of attainment for the LMOS domain. It should be noted, however, that nothing in the data presented, and in the analysis of that data, leads EPA to believe either that these adjusted modeling results will reverse the directional signal provided by the modeling done to date, or alter the preliminary conclusion that NO_x reductions in the nonattainment areas throughout the domain would not contribute to attainment of the ozone NAAQS.

Finally, although this document earlier points out that the version of the photochemical grid model utilized in the LMOS study (UAM-V) was approved by EPA for LADCo's section 182(f) and attainment demonstrations, it is noted here by EPA that the Lake Michigan States and LADCo had not completed the appropriate validation process for the UAM-V modeling system utilized in the LMOS study at the time the NO_x exemption petition was submitted. In this regard, the EPA Guideline states that an assessment of the model's performance and a copy of the modeling protocol should be included in States' NO_x exemption analysis ''for informational purposes.'' On the basis of that guidance, the use of the UAM-V model by LADCo to support the section 182(f) ''contribute to attainment'' test is acceptable. In any event, however, the validation process has now been completed, and a model validation report has been submitted to EPA by LADCo. With respect to the emission projection factors, it is also likely that some adjustments in the modeling results may be expected based on the completed validation process. However, as in the previous case, nothing in the existing modeling data, or in the analyses, leads EPA to believe that any subsequent adjustments would be sufficient to reverse the directional indication that NO_x reductions in the nonattainment areas throughout the LMOS modeling domain would not contribute to attainment of the ozone NAAQS.

In summary, then, the EPA believes that the modeling data contained in the LADCo NO_x exemption petition demonstrates that, for the nonattainment areas throughout the LMOS domain in general, additional reductions of NO_x would not contribute to attainment of the ozone standard. However, other data submitted to EPA

offer the possibility that subsequent adjustments to the modeling results due to the completed model validation process, as well as the inclusion of area-specific and source category-specific emissions projection factors, may result in changes that could alter the conclusions presently reached with respect to the effects of NO_x reductions on nonattainment areas within the domain. Although this result seems highly unlikely, it does remain a possibility. In light of the above, EPA has concluded that the LADCo exemption demonstration is adequate to support the granting of a NO_x waiver. Therefore, pursuant to section 182(f)(3) of the Act, and based on the results provided by the modeling data that is available at this time, and on the modeling analyses' conformance to the criteria contained in relevant EPA guidance, including the Guideline, the EPA proposes to approve the LADCo NO_x exemption petition. The EPA reserves the right to reverse this approval to the extent necessary if subsequent modeling results, such as may be available through the final attainment demonstration submittal, or through any other subsequent modeling data, demonstrate that additional NO_x emission reductions will contribute to attainment of the ozone NAAQS in all or part of any nonattainment areas within the LMOS modeling domain. For a more detailed analysis of the petition, please see the August 22, 1994 technical support document entitled ''Technical Review of a Four State Request for a Section 182(f) Exemption from Oxides of Nitrogen (NO_x) Reasonably Available Control Technology (RACT) and New Source Review (NSR) Requirements.''

IV. Implication of Action

The EPA is proposing to approve the LADCo petition. If granted, the approval will exempt ozone nonattainment areas in the LMOS modeling domain from any applicable NO_x requirements set forth in the Act, such as those for NO_x RACT, NSR, I/M, and conformity. Therefore, the sanctions clocks currently underway for the applicable ozone nonattainment areas in the States of Illinois, Indiana, Michigan, and Wisconsin for failing to submit a complete NO_x RACT SIP will be stopped upon final approval of the exemption. The EPA reserves the right, however, to reverse the proposed approval if subsequent modeling, such as may be available through the final attainment demonstration, or any other subsequent modeling data, demonstrate an ozone attainment benefit from NO_x emission controls within all or part of the ozone nonattainment areas within the LMOS modeling domain. In that case, the EPA would notify the States that the exemption no longer applies for the relevant nonattainment areas, and would also provide notice to the public in the **Federal Register**.

There are also consequences if the EPA disapproves the petition. The requirement to submit NO_x RACT rules and implement the NSR, conformity, and I/M NO_x requirements for the LMOS modeling domain area remain in place. Therefore, the sanctions clocks currently underway for the applicable ozone nonattainment areas in the States of Illinois, Indiana, Michigan, and Wisconsin for failing to submit a complete NO_x RACT SIP will not be stopped. As provided under section 179(a) of the Act, if the State did not make a complete submittal within 18 months after the finding of failure to submit, the EPA would be required to impose the requirements to provide two-to-one NSR offsets. If the State had not corrected its deficiency within 6 months after imposing the offset sanction, the EPA would impose a second sanction related to Federal highway funding restrictions. Any sanction the EPA imposes must remain in place until the EPA determines that the State has corrected the deficiency. In addition, the finding of failure to submit would trigger the 24-month clock for the EPA to impose a Federal Implementation Plan as provided under section 110(c)(1) of the Act.

V. Request for Public Comments

Interested parties are invited to submit comments on this petition and on EPA's proposed rulemaking action. Public comments received by the date indicated above will be considered in the development of the final rule.

VI. Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866. Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Because any type of approval of a section 182(f) petition does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Oxides of Nitrogen, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 27, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95–5402 Filed 3–3–95; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[MA–30–1–6846b; A–1–FRL–5158–5]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC RACT for Brittany Dyeing and Printing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision consists of a reasonably available control technology (RACT) Plan Approval for controlling volatile organic compound (VOC) emissions from Brittany Dyeing and Printing Corporation of New Bedford, Massachusetts. In the final rules section of this **Federal Register**, EPA is approving the Massachusetts' SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received on or before April 5, 1995.